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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,052	03/16/2001	Shigeru Hayakawa	000400-817	4764

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Platon N. Mandros  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/809,052

Applicant(s)

YAKAWA ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cetnar (USPN6102453) in view of Fisher (GB2330864A).

As to claim 2, Cetnar discloses a vehicle door locking system comprising:

- A latch mechanism adapted to a vehicle door and latching the vehicle door to the vehicle body (col.5, ln.50-54).
- A link mechanism including an electric driving source (144, 174) and a plurality of lever members for selectively locking and unlocking the latch mechanism (col.10, ln.40-67; col.11, ln.1-19).
- A housing (12) accommodating the latch mechanism and the link mechanism.
- The housing (12) including a first cover and a main body having a first dish-shaped casing portion and a second dish-shaped casing portion.
- The first casing portion including an opening, closed by the first cover, at one side thereof.
- The second casing portion connected to the first casing portion and perpendicular to each other.

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- Each of the lever members of the link mechanism being disposed within at least one of a) a first space defined between the first casing portion and the first cover and b) a second space defined between the second casing portion and the second cover.

Cetnar fails to disclose or suggest the following limitations:

- A second cover.
- The second casing portion including an opening, closed by the second cover, at one side thereof.

Fisher discloses a vehicle door securing mechanism with covers surrounding all parts of the internal lock mechanism to form a unitary assembly for mounting in the door (pg.3). It would have been obvious to modify the vehicle door locking system disclosed by Cetnar to have a second cover, as taught by Fisher, to form a unitary assembly, and also to protect all parts from the elements.

As to claim 3, Cetnar discloses a vehicle door locking system wherein:

- The part of the lever members and the electric driving source (144, 174) of the link mechanism are supported by the first casing portion and the first cover.
- The other lever members of the link mechanism are supported by a base plate (36) disposed adjacent the second casing portion.

Cetnar fails to disclose or suggest the following limitations:

- The base plate disposed between the second casing portion and a second cover.

Fisher discloses a vehicle door securing mechanism with covers surrounding all parts of the internal lock mechanism to form a unitary assembly for mounting in the door (pg.3). It would have been obvious to modify the vehicle door locking system disclosed by Cetnar to have

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a second cover on the second casing portion, as taught by Fisher, to form a unitary assembly, and also to protect all parts from the elements.

As to claim 4, Cetnar discloses a vehicle door locking system wherein:

- One of the lever members of the link mechanism include an open link (172) coupled to the electric driving source (144, 174) to selectively lock and unlock engagement of the latch mechanism (col.8, ln.65-67; col.10, ln.16-18)
- Another of the lever members includes a lifting lever (76) coupled to the latch mechanism for being engagable and disengagable with the open link (172).

As to claim 5, Cetnar discloses a vehicle door locking system wherein:

- The electric driving source (144, 174) is disposed at an upper portion of the housing (12).

As to claim 6, Cetnar discloses a vehicle door locking system wherein:

- The first casing portion and the second casing portion are integrally formed with one another.

As to claim 7, Cetnar fails to disclose or suggest the following limitations:

- The latch mechanism is accommodated in a space between the second cover and a base plate that is secured to an open end of the second cover.

Cetnar discloses the latch mechanism accommodated in the second casing portion on a base plate (36). Fisher discloses a vehicle door securing mechanism with covers surrounding all parts of the internal lock mechanism to form a unitary assembly for mounting in the door (pg.3). It would have been obvious to one of ordinary skill in the art at the time the invention was made

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to modify the housing disclosed by Cetnar to have a second cover on the second casing portion, as taught by Fisher, to form a unitary assembly, and also to protect all parts from the elements.

As to claim 8, Cetnar discloses a vehicle door locking system comprising:

- A housing (12) comprised of a main body, and a first cover.
- The main body comprising a first casing portion and a second casing portion.
- The first casing portion having an open end closed by the first cover with a first space between the first cover and the first casing portion.
- The second casing portion having an open end defining a second space.
- The first and second casing portions being connected to each other and being oriented relative to one another such that the open end of the first casing portion and the open end of the second casing face in directions perpendicular to one another.
- A latch mechanism adapted to latch a vehicle door to a vehicle body (col.5, ln.50-54), the latch mechanism being accommodated in the housing (12).
- A link mechanism adapted to latch a vehicle door to a vehicle body, the latch mechanism accommodated in the housing (12).
- A link mechanism including an electric driving source (144, 174) and a plurality of lever members for selectively locking and unlocking the latch mechanism.
- The link mechanism being accommodated in the housing (12), with each of the lever members being accommodated in either the first space of the second space.

Cetnar fails to disclose or suggest the following limitations:

- A second cover.

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- The second casing portion having an open end closed by the second cover with a second space between the second cover and the second casing portion.

Fisher discloses a vehicle door securing mechanism with covers surrounding all parts of the internal lock mechanism to form a unitary assembly for mounting in the door (pg.3). Using the housing disclosed by Fisher in combination with the apparatus of Cetnar would provide a cover over the latch mechanism (fig.3), as well as behind the latch mechanism (fig.4), thus creating a second space. It would have been obvious to modify the vehicle door locking system disclosed by Cetnar to have a second cover, as taught by Fisher, to form a unitary assembly, and also to protect all parts from the elements.

As to claim 9, Cetnar discloses a vehicle door locking system wherein:

- The electric driving source (144, 174) is disposed at an upper portion of the housing (12).

As to claim 10, Cetnar discloses a vehicle door locking system wherein:

- The first casing portion and the second casing portion are integrally formed with one another.

As to claim 11, Cetnar fails to disclose or suggest the following limitations:

- The latch mechanism is accommodated in a space between the second cover and a base plate that is secured to an open end of the second cover.

Cetnar discloses the latch mechanism accommodated in the second casing portion on a base plate (36). Fisher discloses a vehicle door securing mechanism with covers surrounding all parts of the internal lock mechanism to form a unitary assembly for mounting in the door (pg.3). It would have been obvious to one of ordinary skill in the art at the time the invention was made

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to modify the housing disclosed by Cetnar to have a second cover on the second casing portion, as taught by Fisher, to form a unitary assembly, and also to protect all parts from the elements.

### *Response to Arguments*

Page five of the Amendment by Applicant recites that the subject matter defined in claim 1 of this application is different from the subject matter defined in copending application serial no. 09/809068. Because there is no identity of claimed subject matter, the double patenting rejection under 35 U.S.C. § 101 is withdrawn.

Applicant's arguments with respect to claims 2-11 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN4875723 to Compeau discloses a closure latch.

USPN4904006 to Hayakawa discloses a door lock assembly for motor vehicles.

USPN5088347 to Wanlass discloses a door lock actuator.

USPN5137312 to Tang discloses a motor vehicle door lock controlling device.

USPN5855130 to Rorabacher discloses an adjunct actuator for a vehicle door lock.

USPN5909918 to Kowalewski discloses a valet block out of a deck lid latch.




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y. Ho whose email address is thomas.ho@uspto.gov and telephone number is (703) 305-4556. The examiner can normally be reached on M-F 9:30AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-3366.

TYH

August 27, 2002

  
ROBERT J. SANDY  
PRIMARY EXAMINER